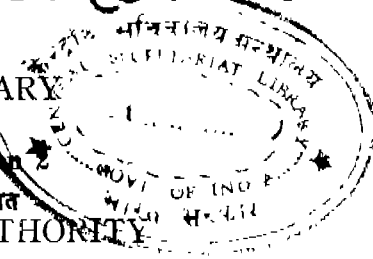


भारत का राजपत्र **The Gazette of India**

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
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नई दिल्ली, बुधवार, मई 23, 1990/ज्यैष्ठ 2, 1912

No. 26]

NEW DELHI, WEDNESDAY, MAY 23, 1990/ JYAISTHA 2, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 23rd May, 1990:—

BILL No. 98 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Sixty-eighth Amendment) Act, 1990.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 338 of the Constitution,—

Amend-
ment of
article
338.

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“National Commission for Scheduled Castes and Scheduled Tribes.”;

(b) for clauses (1) and (2), the following clauses shall be substituted, namely:—

“(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes,

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to examine specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(c) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(d) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and

(e) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.”;

(c) existing clause (3) shall be renumbered as clause (8).

STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides for a Special Officer for the Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President on their working. It is felt that a high level five-member Commission under article 338 will be a more effective arrangement in respect of the constitutional safeguards for Scheduled Castes and Scheduled Tribes than a single Special Officer as at present. It is also felt that it is necessary to elaborate the functions of the said Commission so as to cover measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and to entrust to the Commission such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to any law made by Parliament, by rule specify. It is also felt that the reports of the said Commission shall be laid before Parliament and the Legislatures of the States.

2. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;

The 21st May, 1990.

RAM VILAS PASWAN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 338 of the Constitution.

2. The proposed amendments provide for a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and the Scheduled Tribes in place of a Special Officer for the Scheduled Castes and Scheduled Tribes. It is proposed to merge the existing organisation of the said Special Officer and the existing National Commission for the Scheduled Castes and Scheduled Tribes created by virtue of a Resolution of the Government of India with the proposed new National Commission for the Scheduled Castes and Scheduled Tribes. In view of the said merger, there may not be any increase in expenditure. However, the new responsibilities which will devolve upon the said Commission will entail some additional expenditure. Since the additional expenditure will depend upon the activities to be undertaken by the said Commission, it is not possible at this stage to estimate the said expenditure.

3. The provisions of the Bill do not involve any other expenditure of a recurring or a non-recurring nature.

SUBHASH C. KASHYAP,
Secretary-General.